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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,103	08/15/2000	Patrick McErlean	FKC-100US	1503
23122	7590	04/08/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/640,103

Applicant(s)

MCERLEAN, PATRICK

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to Applicant's amendment filed December 30, 2004. Claims 14-16 have been newly added. Claims 1-16 are pending in the present application.

### ***Drawings***

Due to Applicant's amendment, the objection to the drawings is now withdrawn.

### ***Specification***

Due to Applicant's amendment, the objections to the specification are now withdrawn.

### ***Claim Rejections - 35 USC § 112***

Applicant has amended claims 1 and 2 to overcome the rejection. The rejection is now withdrawn.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,424,997 issued to Bushkirk, Jr. et al. (hereinafter referred to as Bushkirk) in view of USPN 6,385,619 issued to Eichstaedt et al. (hereinafter referred to as Eichstaedt).

(Amended) Regarding claim 1, Bushkirk teaches an electronic message processing system arranged to receive electronic messages, the system comprising:

- means for storing a plurality of rules (figure 2: 125);
- at least one text analyzer (figure 1: classifier and action selector);
- a respective rule engine associated with the at least one text analyzer and with rule storage means, the at least one text analyzer and associated rule engine being co-operable to apply at least one rule to the content of a received electronic message and to generate at least one result based on the application of said at least one rule (figures 1 and 2; abstract; col. 4, lines 6-36);
- a classification module co-operable with the at least one text analyzer and associated rule engine and arranged to classify the electronic message into at least one message category based on said at least one result, wherein the rules are arranged into a plurality of rule sets, the classification module being arranged cause the at least one text analyzer in association with the associated rule engine to apply at least one rule set of the plurality of rule sets to the message content, wherein the at least one result generated by application of the at least one rule set to the message content determines at least one next rule set, to be applied (figures 1 and 2; abstract; col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

However, Bushkirk fails to explicitly teach applying the one or more rule sets to the message content in accordance with a hierarchical structure. Eichstaedt teaches applying rules to message content in accordance with a hierarchical structure (abstract; figure 1; col. 1, lines 35-55). At the time the invention was made, one of ordinary skill in the art would have been motivated to apply rules to message content in accordance with a hierarchical structure because a hierarchical structure enables the possibility of rapidly applying the rule set to the message content because of its different level structure, therefore minimizing the classification time.

Regarding claim 2, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the at least one text analyzer and associated rule engine are arranged to generate a respective result set for the at least one rule set applied to the message content, the classification module being arranged to determine respectively from the at least one result set whether to classify the message category or cause a further rule set to be applied to the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 3, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the text analyzer includes the rule engine (figures 1 and 2).

Regarding claim 4, Bushkirk teaches an electronic message processing system as claimed in claim 3, wherein the classification module is arranged instantiate a respective instance of the text analyzer for each rule set, each text analyzer instance being arranged apply respective set the message content (col. 1, lines 52-62; col. 2, lines 39-58; col. 3, lines 16-25).

Regarding claim 5, Bushkirk teaches an electronic message processing system as claimed claim 4, wherein each text analyzer instance associated with a respective lexical analysis tool (abstract).

Regarding claim 6, Bushkirk teaches an electronic message processing system as claimed claim 1 wherein each lexical analysis tool includes a dictionary (figure 2: 105).

Regarding claim 7, Bushkirk teaches an electronic message processing system as claimed claim 1 wherein the rule storage means comprises a plurality of rule files, each rule file containing a respective rule set (figure 2: 125).

Claims 8 and 9 are similar to claim 1, therefore are rejected under the same rationale.

Regarding claim 10, Bushkirk teaches a method of classifying an electronic message as claimed in claim 9 further including: instantiating for each rule set (figure 1); and arranging each text analyzer instance to apply its respective rule set to the message content (figures 1 and 2).

Regarding claim 11, Bushkirk teaches an electronic message processing system as claimed in claim 1, wherein the electronic messages to be processed include unstructured text-based messages (abstract).

Regarding claim 12, this is an electronic mail (e-mail) processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

Regarding claim 13, this is an SMS message processing system comprising an electronic message processing system as claimed in claim 1, therefore is rejected under the same rationale.

(New) Claims 14-16 are similar to claim 1, therefore are also rejected under the same rationale.

#### ***Response to Arguments***

Applicant's arguments filed December 30, 2004 have been fully considered but they are not persuasive.

Applicant argues that neither Buskirk nor Eichstaedt disclose, individually or collectively a system having any of the following features:

1. Rules arranged into a plurality of rule sets.
2. A classification module being arranged to cause the text analyzer in association with the rule engine to apply at least one rule set to the message content in accordance with a hierarchical structure.
3. wherein the at least one result is generated by application of a rule set to the message content determines the at least one next rule set to be applied.

The Patent Office respectfully submits that these features are taught in the combination of Buskirk and Eichstaedt as explained below.

1. Figure 2 of the Buskirk reference illustrates an electronic message system that inputs an incoming document into a processor and classified according to classification rules (col. 3, line 65 to col. 4, line 9). The classification rules include analyzing by tokenization of the text, morphological analysis of the text, etc. (in this case interpreted as rule sets).

2. Figure 1 of Buskirk illustrates a system that processes an incoming email message by analyzing, classifying, and determining the appropriate action to the effect of the message (abstract). In order to perform an appropriate action to the message, a rule or a set of rule must somehow be applied to the action. However, Buskirk does not explicitly teach applying the one or more rule sets to the message in accordance with a hierarchical structure. Eichstaedt teaches analyzing a user's access to a variety of hierarchical levels within a set of structured documents (abstract; figure 1; col. 1, lines 35-55). Eichstaedt also discloses classifying each document into hierarchical structure (col. 1, lines 35-55).

3. Figure 1 of Buskirk teaches routing the message to the right skill, queue, person or department after an appropriate action has been determined. In this case, "routing" is interpreted as an action from the "rule set" and the arrival of the message in the "right skill, queue, person or department" is interpreted as "the next rule set to be applied."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge



Art Unit: 2143

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANB

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Will C. Vaughn  
Primary Examiner  
Art Unit 2143  
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